

1913

PREFATORY NOTE.

The act to amend and consolidate the acts respecting copyright, approved March 4, 1909, provides "That, subject to the approval of the Librarian of Congress, the Register of Copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this act" (sec. 53).

Under this authority of law, the following rules and regulations for the registration of claims to copyright have been prepared and put into force in the Copyright Office.

Thorwald Solberg
Register of Copyrights

Approved:

Herbert Putnam

Librarian of Congress.

RULES AND REGULATIONS FOR THE REGISTRATION OF CLAIMS TO COPYRIGHT.

1. Copyright under the act of Congress entitled: "An Copyright an-
der act. act to amend and consolidate the acts respecting copy-
right," approved March 4, 1909,¹ is ordinarily secured by
printing and publishing a copyrightable work with a
notice of claim in the form prescribed by the statute.
Registration can be made *after* such publication, but
the statute expressly provides, in certain cases, for regis-
tration of manuscript works.

WHO MAY SECURE COPYRIGHT.

2. The persons entitled by the act to copyright protec- Persons enti-
tled to copyright. tion for their works are:

(1) The *author* of the work, if he is:

(a) A citizen of the United States, or

(b) An alien author domiciled in the United States
at the time of the first publication of his work, or

(c) A citizen or subject of any country which grants
either by treaty, convention, agreement, or law, to
citizens of the United States the benefit of copy-
right on substantially the same basis as to its own
citizens. The existence of reciprocal copyright
conditions is determined by presidential procla-
mation.²

(2) The *proprietor* of a work. The word "proprietor"
is here used to indicate a person who derives his title to the
work from the author. If the author of the work should

¹ Amendatory acts were approved August 24, 1912 (providing for the
registration of motion pictures), and March 2, 1913 (amending sec. 55,
with regard to the certificate of registration).

² Presidential copyright proclamations have been issued securing
copyright privileges in the United States to the citizens or subjects of
the following countries: Austria, Belgium, Chile, China, Costa Rica,
Cuba, Denmark, France, Germany, Great Britain and her possessions,
Guatemala, Honduras, Hungary, Italy, Japan, Luxemburg, Mexico,
Netherlands (Holland) and possessions, Nicaragua, Norway, Portugal,
Salvador, Spain, Sweden, Switzerland, and Tunis.

be a person who could not himself claim the benefit of the copyright act, the proprietor can not claim it.

(3) The *executors, administrators, or assigns* of the above-mentioned author or proprietor.

REGISTRATION.

Copyright registration.

3. After the publication of any work entitled to copyright, the claimant of copyright should register his claim in the Copyright Office. An action for infringement of copyright can not be maintained in court until the provisions with respect to the deposit of copies and registration of such work shall have been complied with.

A certificate of registration is issued to the applicant and duplicates thereof may be obtained on payment of the statutory fee of 50 cents.

SUBJECT MATTER OF COPYRIGHT.

Works subject to copyright.

4. The act provides that no copyright shall subsist in the original text of any work published prior to July 1 1909, which has not been already copyrighted in the United States (sec. 7).

Section 5 of the act divides the works for which copyright may be secured into eleven classes, as follows:

(a) *Books*.—This term includes all printed literary works (except dramatic compositions) whether published in the ordinary shape of a book or pamphlet, or printed as a leaflet, card, or single page. The term "book" as used in the law includes tabulated forms of information, frequently called charts; tables of figures showing the results of mathematical computations, such as logarithmic tables; interest, cost, and wage tables, etc., single poems and the words of a song when printed and published without music; librettos; descriptions of motion pictures or spectacles; encyclopædias; catalogues; directories; gazetteers and similar compilations; circulars or folders containing information in the form of reading matter other than mere lists of articles, names and addresses, and literary contributions to periodicals or newspapers.

Blank books, etc., not copyrightable.

5. The term "book" can not be applied to—

Blank books for use in business or in carrying out any system of transacting affairs, such as record books, account books, memorandum books, diaries or journals, bank deposit and check books; forms of contracts and leases which do not contain original copyrightable matter; coupons; forms for use in commercial, legal, and

financial transactions, which are wholly or partly blank and whose value lies in their usefulness and not in their merit as literary compositions.

6. (b) *Periodicals*.—This term includes newspapers, magazines, reviews, and serial publications appearing oftener than once a year; bulletins or proceedings of societies, etc., which appear regularly at intervals of less than a year; and, generally, periodical publications which would be registered as second-class matter at the post office. Periodicals.

7. (c) *Lectures, sermons, addresses*, or similar productions, prepared for oral delivery. Lectures, etc.

8. (d) *Dramatic and dramatico-musical compositions*, such as dramas, comedies, operas, operettas, and similar works. Dramatic compositions, etc.

The designation "dramatic composition" does not include the following: Dances, ballets, or other choregraphic works; tableaux and motion-picture shows; stage settings or mechanical devices by which dramatic effects are produced, or "stage business"; animal shows, sleight-of-hand performances, acrobatic or circus tricks of any kind; descriptions of motion pictures or of settings for the production of motion pictures. (These, however, when printed and published, are registrable as "books.")

9. *Dramatico-musical compositions* include principally operas, operettas, and musical comedies, or similar productions which are to be acted as well as sung. Dramatico-musical compositions, etc.

Ordinary songs, even when intended to be sung from the stage in a dramatic manner, or separately published songs from operas and operettas, should be registered as musical compositions, not dramatico-musical compositions. Songs separately published.

10. (e) *Musical compositions*, including other vocal and all instrumental compositions, with or without words. Musical compositions.

But when the text is printed alone it should be registered as a "book," not as a "musical composition."

"Adaptations" and "arrangements" may be registered as "new works" under the provisions of section 6. Mere transpositions into different keys are not expressly provided for in the copyright act; but if published with copyright notice and copies are deposited with application, registration will be made.

11. (f) *Maps*.—This term includes all cartographical works, such as terrestrial maps, plats, marine charts, star maps, but not diagrams, astrological charts, landscapes, or Maps.

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drawings of imaginary regions which do not have a real existence.

Works of art.

12. (g) *Works of art*.—This term includes all works belonging fairly to the so-called fine arts. (Paintings, drawings, and sculpture.)

Productions of the industrial arts utilitarian in purpose and character are not subject to copyright registration, even if artistically made or ornamented.

Toys, games, etc.

No copyright exists in toys, games, dolls, advertising novelties, instruments or tools of any kind, glassware, embroideries, garments, laces, woven fabrics, or any similar articles.

Reproductions of works of art.

13. (h) *Reproductions of works of art*.—This term refers to such reproductions (engravings, woodcuts, etchings, casts, etc.) as contain in themselves an artistic element distinct from that of the original work of art which has been reproduced.

Drawings or plastic works.

14. (i) *Drawings or plastic works of a scientific or technical character*.—This term includes diagrams or models illustrating scientific or technical works, architects' plans, designs for engineering work, etc.

Photographs.

15. (j) *Photographs*.—This term covers all positive prints from photographic negatives, but not half tones or other photo-engravings.

Prints and pictorial illustrations.

16. (k) *Prints and pictorial illustrations*.—This term comprises all printed pictures not included in the various other classes enumerated above.

17. (l) *Motion-picture photoplays*.

18. (m) *Motion pictures other than photoplays*.

Postal cards can not be copyrighted as such. The pictures thereon may be registered as "prints or pictorial illustrations" or as "photographs." Text matter on a postal card may be of such a character that it may be registered as a "book."

Trade-marks can not be copyrighted nor registered in the Copyright Office.

HOW TO SECURE REGISTRATION.

Registrable works.

19. Copyright registration may be secured for:

(1) Unpublished works.

(2) Published works.

UNPUBLISHED WORKS.

Unpublished works are such as have not at the time of registration been printed or reproduced in copies for sale or been publicly distributed. They include: (a) Lec-

tures, sermons, addresses, or similar productions for oral delivery; (b) dramatic and musical compositions; (c) photographic prints; (d) works of art (paintings, drawings, and sculpture); (e) plastic works; (f) motion-picture photoplays; and (g) motion pictures other than photoplays.

In order to secure copyright in such unpublished works, the following steps are necessary:

20. (1) In the case of lectures, sermons, addresses, and dramatic and musical compositions, deposit one type-written or manuscript copy of the work. Registration of unpublished works.

This copy should be in convenient form, clean and legible, the leaves securely fastened together, and should bear the title of the work corresponding to that given in the application.

The entire work in each case should be deposited. It is not sufficient to deposit a mere outline or epitome, or, in the case of a play, a mere scenario; or a scenario with the synopsis of the dialogue.

21. (2) In the case of photographs, deposit one copy of a positive print of the work. Unpublished photograph. (Photo-engravings or photogravures are not photographs within the meaning of this provision.)

22. (3) In the case of works of art, models or designs for works of art, or drawings or plastic works of a scientific or technical character, deposit a photograph or other identifying reproduction. Photograph of work of art.

(4) In the case of motion-picture photoplays, deposit a title and description, with one print taken from each scene or act.

(5) In the case of motion pictures other than photoplays, deposit a title and description, with not less than two prints taken from different sections of the complete motion picture.

In each case the deposited article should be accompanied by an application for registration and a money order for the amount of the statutory fee.

23. Any work which has been registered under section 11, if reproduced in copies for sale or distribution, must be deposited a second time (two copies, accompanied by an application for registration and the statutory fee) in the same manner as is required in the case of works published in the first place. Reproduction of unpublished work.

PUBLISHED WORKS.

DEPOSIT OF COPIES.

Deposit of copies. 24. After publication of the work with the copyright notice inscribed, two *complete* copies of the best edition of the work must be sent to the Copyright Office, with a proper application for registration correctly filled out and a money order for the amount of the legal fee.

The statute requires that the deposit of the copyright work shall be made "promptly," which has been defined as "without unnecessary delay." It is not essential, however, that the deposit be made on the very day of publication.

Definition of "published work." 25. Published works are such as are printed or otherwise produced and "placed on sale, sold, or publicly distributed." Works intended for sale or general distribution must first be printed with the statutory form of copyright notice inscribed on every copy intended to be circulated.

NOTICE OF COPYRIGHT.

Form of notice. 26. The ordinary form of copyright notice for books, periodicals, dramatic and musical compositions is "Copyright, 19— (the year of publication), by A. B. (the name of the claimant)." The name of the claimant printed in the notice should be the real name of a living person, or his trade name if he always uses one (but not a pseudonym or pen name), or the name of the firm or corporation claiming to own the copyright. The copyright notice should not be printed in the name of one person *for the benefit of another*. The beneficiary's name should be printed in such cases.

Short form of notice. 27. In the case of maps, photographs, reproductions of works of art, prints or pictorial illustrations, works of art, models or designs for works of art, and plastic works of a scientific or technical character, the notice may consist of the letter C, inclosed within a circle, thus ©, accompanied with the initials, monogram, mark, or symbol of the copyright proprietor. But in such cases the name itself of the copyright proprietor must appear on some accessible portion of the work, or on the mount of the picture or map, or on the margin, back, or permanent base or pedestal of the work.

28. The prescribed notice must be affixed to each copy ^{Notice upon} ~~each copy.~~ of the work published or offered for sale in the United States. But no notice is required in the case of foreign books printed abroad seeking *ad interim* protection in the United States, as provided in section 21 of the copyright act.

AMERICAN MANUFACTURE OF COPYRIGHT BOOKS.

29. The following works must be manufactured in the ^{Works pro-} ~~United States~~ ^{duced in United States.} in order to secure copyright:

(a) All "books" in the English language and books in any language by a citizen or domiciled resident of the United States must be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text of such books be produced by lithographic process or photo-engraving process, then by a process wholly performed within the limits of the United States; and the printing of the text and binding of the book must be performed within the limits of the United States.

(b) All *illustrations* within a book produced by lithographic process or photo-engraving process and all *separate lithographs* or *photo-engravings* must be produced by lithographic or photo-engraving process wholly performed within the limits of the United States, except when the subjects represented in such illustrations in a book or such separate lithographs or photo-engravings "are located in a foreign country and illustrate a scientific work or reproduce a work of art."

30. Books by foreign authors in any language other ^{Books by for-} ~~than English~~ ^{sign authors.} are not required to be printed in the United States.

In the case of books printed abroad in the English ^{Books printed} ~~language~~ ^{abroad.} an *ad interim* term of copyright of thirty days from registration made in the Copyright Office within thirty days after publication abroad may be secured; but in order to extend the copyright to the full term of protection, an edition of the work must be published in the United States within the thirty days *ad interim* term, printed or produced within the limits of the United States

A4. Ad interim for 30 days. Book published abroad in the English language.

A5. Contribution to a newspaper or periodical.

B1. Periodical. For registration of single issue.

B2. Periodical. General application and deposit.

C. Lecture, sermon, or address.

D1. Published dramatic composition.

D2. Dramatic composition not reproduced for sale.

D3. Published dramatico-musical composition.

E. New musical composition published for the first time.

E1. Musical composition republished with new copyright matter.

E2. Musical composition not reproduced for sale.

F. Published map.

G. Work of art (painting, drawing, or sculpture); or model or design for a work of art.

I1. Published drawing or plastic work of a scientific or technical character.

I2. Unpublished drawing or plastic work of a scientific or technical character.

J1. Photograph published for sale.

J2. Photograph not reproduced for sale.

K. Print or pictorial illustration.

L1. Motion-picture photoplay reproduced for sale.

L2. Motion-picture photoplay not reproduced for sale.

M1. Motion picture, not a photoplay, reproduced for sale.

M2. Motion picture, not a photoplay, not reproduced for sale.

R1. Renewal of a copyright for 28 years.

R2. Extension of a renewal copyright for 14 years.

AFFIDAVIT OF MANUFACTURE.

34. In the case of books by American authors and all books in the English language the application must be accompanied by an affidavit, showing the following facts: Affidavit for book.

(1) That the copies deposited have been printed from type set within the limits of the United States; or from plates made within the limits of the United States from type set therein; or if the text be produced by lithographic process or photo-engraving process, that such process was wholly performed within the limits of the United States, stating, in either case, the place and the establishment where such work was done.

(2) That the printing of the text has been performed within the limits of the United States, showing the place and the name of the establishment doing the work.

(3) That the binding of such book has been performed within the limits of the United States, showing the place and the name of the establishment where the work was done. This can be omitted if the work is unbound.

(4) That the completion of the printing of said book was on a stated day, or that the book was published on a given date.

Date of publication.

Section 62 of the copyright act defines the date of publication as "the earliest date when copies of the first authorized edition *were placed on sale, sold, or publicly distributed* by the proprietor of the copyright or under his authority."

Affidavit must be under seal.

35. The affidavit may be made before any officer authorized to administer oaths within the United States who can affix his official seal to the instrument.

The applicant and the officer administering the oath for such affidavit are specially requested to make sure that the instrument is properly executed, so as to avoid the delay of having it returned for amendment. Experience shows that among the common errors made by applicants are the following:

Errors by applicants.

Failure to write in the "venue"—that is, the name of the county and State—and to make sure that the notary's statement agrees.

Reciting a corporation or partnership as affiant. Oaths can be taken only by individuals.

Failure to state in what capacity the affiant takes the oath, whether as claimant, agent of the claimant, or printer. Where a corporation or firm is the claimant, the affiant should swear as agent.

Failure to state the *exact date* of publication or completion of printing. The month alone is insufficient.

Failure to sign the affidavit. The signature should correspond exactly with the name of the affiant stated at the beginning. Corporation or firm names must not appear in this place.

Failure to obtain signature of the notary after swearing to the contents.

Failure to obtain the seal of the notary.

Swearing before an officer not authorized to act in the place stated in the venue.

Variance between names and dates as stated in the affidavit and the application.

The affidavit must never be made *before* publication has taken place.

36. The affidavit may be made by: (1) The person claiming the copyright; or (2) his duly authorized agent or representative residing in the United States; or (3) the printer who has printed the book. By whom affidavit may be made.

The person making the affidavit should state in which of the above-mentioned capacities he does so.

37. In the case of a foreign author applying for a book in a language other than English, no affidavit is required, as such books are not subject to the manufacturing clause. Book in foreign language.

In the case of a foreign author applying for a book in the English language, the same affidavit must be made as in that of an American author, except where a book is deposited for *ad interim* protection under section 21. In such cases the affidavit must be filed when the *ad interim* copyright is sought to be extended to the full term.

The affidavit is only required for BOOKS.

PERIODICALS (FORM B).

38. Application should be made in the same manner as for books, depositing two copies, but no affidavit is required. Periodicals.

Separate registration is necessary for each number of the periodical published with a notice of copyright, and can only be made after publication. It is not possible to register the title of the periodical in advance of publication.

CONTRIBUTIONS TO PERIODICALS (FORM A5).

39. If special registration is requested for any contribution to a periodical, *one* copy of the number of the periodical in which the contribution appears should be deposited promptly after publication. Contributions to periodicals.

The entire copy should be sent; sending a mere clipping or a page containing the contribution does not comply with the statute.

The date of publication of a periodical is not necessarily the date stated on the title-page. The application should state the day on which the issue is "first placed on sale, sold, or publicly distributed," which may be earlier or later than the date printed on the title-page.

AD INTERIM APPLICATIONS (FORM A4).

**Ad interim
copyright.**

40. Where a book in the English language has been printed abroad, an *ad interim* copyright may be secured by depositing in the Copyright Office one complete copy of the foreign edition, with an application containing a request for the reservation and a money order for \$1. Such applications should state: (1) Name and nationality of the author; (2) Name, nationality, and address of the copyright claimant; (3) Exact date of original publication abroad.

The deposit must be made within thirty days from publication abroad. Whenever, within the thirty days' period of *ad interim* protection, an edition manufactured in the United States is published and two copies have thereafter been promptly deposited, the copyright claim therein may be registered the same as any other book (Form A1).

MAILING APPLICATIONS AND COPIES.

**Address of mail
matter.**

41. All mail matter intended for the Copyright Office should be addressed to the "Register of Copyrights, Library of Congress, Washington, D. C." No letters dealing with copyright matters should be addressed to individuals in the office.

Copyright matter designed for deposit in the Copyright Office will be transmitted by the postmaster free of charge when requested. The postmaster will also, when requested, give a receipt for matter so delivered to him for transmission.

No franking label is issued by the Copyright Office for this purpose.

FEES.

Copyright fees.

42. The fee required to be paid for copyright registration is \$1, except that in case of photographs it is only 50 cents when no certificate of registration is desired.

Remittances.

All remittances to the Copyright Office should be sent by money order or bank draft. Postage stamps should not be sent for fees or postage. Checks can not be accepted unless certified. Coin or currency inclosed in letter or packages if sent will be at the remitter's risk.

Publishers may for their own convenience deposit in the Copyright Office a sum of money in advance against which each registration will be charged.

ASSIGNMENTS OF COPYRIGHT.

43. When a copyright has been assigned the instrument in writing signed by the proprietor of the copyright may be filed in this office for record within six calendar months after its execution without the limits of the United States or three calendar months within the United States. Assignments of copyright.

After having been recorded the original assignment will be returned to the sender with a sealed certificate of record attached. The assignment will be returned by registered mail, if the post-office registration fee (10 cents) is sent for that purpose.

44. The fee for recording and certifying an assignment is \$1 up to 300 words; \$2 from 300 to 1,000 words; and another dollar for each additional thousand words or fraction thereof over 300 words. Fee for recording assignment.

45. After the assignment has been duly recorded, the assignee may substitute his name for that of the assignor in the copyright notice on the work assigned. Such substitution or transfer of ownership will be indexed in this office upon request, at a cost of 10 cents for each work assigned. Name of assignee in claim.

NOTICE OF USER OF MUSICAL COMPOSITIONS.

46. Whenever the owner of the copyright in a musical composition uses such music in phonographs himself or permits anyone else to do so, he must send a notice of such use by him or by any other person to the Copyright Office to be recorded.¹ Notice of user of music.

47. Whenever any person in the absence of a license intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce the same mechanically, the act requires that he shall serve notice of such intention upon the copyright proprietor and must also send a duplicate of such notice to the Copyright Office. Notice in absence of license.

¹ Presidential proclamations have been issued under section 1 (e), securing "copyright controlling the parts of instruments serving to reproduce mechanically the musical work" in behalf of Belgium, Cuba, Germany, Hungary, Luxemburg, and Norway.

APPLICATION FOR THE RENEWAL OR EXTENSION OF SUBSISTING COPYRIGHTS.

Renewals and
extensions.

48. Application for the renewal or extension of a subsisting copyright (except copyright of a composite work) may be filed within one year prior to the expiration of the existing term by:

- (1) The author of the work if still living;
- (2) The widow, widower, or children of the author if the author is not living;
- (3) The author's executor, if such author, widow, widower, or children be not living;
- (4) If the author, widow, widower, and children are all dead, and the author left no will, then the next of kin.

Renewal for
composite work.

49. If the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor is entitled to the privilege of renewal and extension.

Renewal fee.

50. The fee for the recording of the renewal claim is 50 cents. Application for the renewal or extension of copyright can not be recorded in the name of an assignee nor in that of any person not expressly mentioned in section 24 of the act.

SEARCHES.

Searches.

51. Upon application to the Register of Copyrights search of the records, indexes, or deposits will be made for such information as they may contain relative to copyright claims. Persons desiring searches to be made should state clearly the nature of the work, its title, the name of the claimant of copyright and probable date of entry; in the case of an assignment, the name of the assignor or assignee or both, and the name of the copyright claimant and the title of the music referred to in case of notice of user.¹

Search fee.

The statutory fee for searches is 50 cents for each full hour of time consumed in making such search.

¹ NOTE.—The law provides as follows: "That the record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress." (Sec. 58, act of Mar. 4, 1909.)

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